

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANGEL MALDONADO : CIVIL ACTION
: :
v. : No. 14-1716
: :
LOUIS FOLINO, et al. : :

ORDER

AND NOW, this 24th day of July, 2014, upon careful and independent consideration of Petitioner Angel Maldonado's pro se Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254, and after review of the Report and Recommendation of United States Magistrate Judge M. Faith Angell, to which no objections have been filed,¹ it is ORDERED:

1. The Report and Recommendation (Document 12) is APPROVED and ADOPTED;
2. The petition for a writ of habeas corpus (Document 1) is DENIED without prejudice for failure to exhaust available state court remedies;
3. There has been no substantial showing of the denial of a constitutional right warranting the issuance of a certificate of appealability; and
4. The Clerk of the Court shall mark this case CLOSED.

BY THE COURT:

/s/ Juan R. Sánchez
Juan R. Sánchez, J.

¹ The Report and Recommendation was sent to all parties of record on June 30, 2014. Pursuant to Local Civil Rule 72.1 IV(b), a party may object to a magistrate judge's report "within fourteen (14) days after being served with a copy thereof." As of today's date, no objections have been filed. In fact, by letter of June 10, 2014, Maldonado acknowledged he had failed to fully exhaust his claims in the lower courts and requested the Court withdraw his habeas petition for later filing without "being penalized in the future." Accordingly, the Court dismisses his habeas petition without prejudice.